



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 6, 2005

Date of Meeting: June 7, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:37 p.m. on Tuesday, June 7, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Dr. Carolyn Compton, Women Ministries of the Desert, after which the pledge of allegiance was led by Boy Scout Troop 101, Catalina Council.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 293, dated June 7, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor Dunbar announced Ward 3 would host a Methamphetamine Town Hall at Salpointe High School on June 29, 2005.
- b. Council Member West reported she was allocating approximately five thousand, six hundred dollars to enhance the Kidco experience for Ward 2 youth and to provide training for teens who volunteer at the Zoo.
- c. Council Member Ronstadt announced a fundraising effort to expand the Zoo enclosure to accommodate pregnant elephants. He asked children to draw and send pictures of the elephants, which would be included in the fundraising packets.
- d. Council Member Ronstadt introduced, and Mayor Walkup welcomed, members from Sister City, Pécs, Hungary, who were visiting to learn about the operation of city government in Tucson, and were building a cultural relationship with the University of Arizona.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 294, dated June 7, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. Tucson would be hosting the third annual Arizona Statewide Historic Preservation Partnership Conference at the Marriott University Park Hotel from June 8 to June 11, 2005. The theme of the conference would be "Heritage is the Heart of Preservation," and the chairperson would be Marty McCune, the City's Historic Preservation Officer. The Governor's Heritage Preservation Honor Awards Luncheon would recognize several Tucson Projects on June 10, 2005.

- b. In addition to the recently awarded Hope VI funding for the MLK (Martin Luther King Apartments)/Depot Plaza project, Low Income Housing Tax Credits were secured from the State for funding the Silverbell Development, which would be the site for some of the MLK replacement housing. The only other Tucson project funded by State tax credits was the Ghost Ranch Lodge elderly housing project, located on Miracle Mile. The one million, three hundred thousand dollars in Pima County Bonds requested for this project are one step closer to approval.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 303, dated June 7, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

- 1. Las Candelas Bistro, Ward 3
427 E. Limberlost Drive
Series 12, City 3405
Applicant: Sunand Gopal Bal
Action must be taken by: June 20, 2005
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed
Supports Filed
Considered separately.

- 2. Chili's Grill and Bar, Ward 1
1640 W. Valencia Road
Series 12, City 37-05
Applicant: Clare Hollie Abel
Action must be taken by: June 20, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

- 1. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Avenue
Applicant: Wayne Francis Locke
City T45-05
Date of Event: June 17 & 18, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 and 5c1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Las Candelas Bistro, Ward 3
427 E. Limberlost Drive
Series 12, City 3405
Applicant: Sunand Gopal Bal
Action must be taken by: June 20, 2005
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed
Supports Filed

Kathleen S. Detrick, City Clerk, announced Item 5b1, Las Candelas Bistro, was to be considered separately. It had protests filed and is located in Ward 3.

Vice Mayor Dunbar asked if any of the protestors were present. There were none. She asked for members of the Limberlost Neighborhood Association in attendance to please stand, and she read part of the support letter submitted by the neighborhood association:

“We feel that the addition of a neighborhood bistro would be a positive addition to our neighborhood, especially given the wide allowance of the current zoning for the property. Mr. Bal has demonstrated responsibility in all his dealings with the neighborhood and has proved himself to be a good neighbor and should be granted a Series 12 liquor license.”

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH HH

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE NATIONAL CITY NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager JUNE7-05-300 WARD 5
2. Resolution No. 20084 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the National City Neighborhood Reinvestment Project; and declaring an emergency.

B. APPROVAL OF MINUTES

1. Report from City Manager JUNE7-05-277 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on November 1, 2004, May 3, 2005, and May 10, 2005.

C. FINANCIAL PARTICIPATION AGREEMENT: WITH THE VISTA DEL RIO RESIDENTS' ASSOCIATION FOR EDUCATIONAL PROGRAMS

1. Report from City Manager JUNE7-05-278 WARD 2
2. Resolution No. 20085 relating to Financial Participation Agreements; authorizing and approving the Fiscal Year 2005 Financial Participation Agreement between the City of Tucson and the Vista Del Rio Residents' Association to assist with expansion and educational programs at Vista Del Rio Cultural Resource Park; and declaring an emergency.

Item C was considered separately at the request of Council Member West.

D. IMPROVEMENT DISTRICTS: PARK AVENUE, IRVINGTON ROAD TO VALENCIA ROAD DISTRICT STREET LIGHTING AND SIDEWALK IMPROVEMENT

1. Report from City Manager JUNE7-05-279 WARD 5
2. Resolution No. 20074 resolution of the Mayor and Council of the City of Tucson, Arizona overruling protests and ordering the improvement known as the "Park Avenue, Irvington Road to Valencia Road District Street Lighting and Sidewalk Improvement," in the City of Tucson, Arizona, and ordering the publication of a notice of the resolution ordering the work, and inviting sealed bids for making the improvement, all in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and amendments and supplements thereto.

E. SURPLUS PROPERTY: DONATION OF MICROWAVE EQUIPMENT TO THE ARIZONA DEPARTMENT OF PUBLIC SAFETY TELECOMMUNICATIONS BUREAU

1. Report from City Manager JUNE7-05-305 CITY-WIDE

F. SURPLUS PROPERTY: DONATION OF OFFICE EQUIPMENT TO THE FRIENDS OF THE TUCSON-PIMA PUBLIC LIBRARY

1. Report from City Manager JUNE7-05-304 CITY-WIDE

- G. ASSURANCE AGREEMENT: (S03-030) SYCAMORE PARK SUBDIVISION, BLOCKS 1 TO 4
1. Report from City Manager JUNE7-05-280 WARD 4
 2. Resolution No. 20086 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-030 of a final plat for the Sycamore Park Subdivision, Blocks 1 to 4; and declaring an emergency.
- H. FINAL PLAT: (S03-030) SYCAMORE PARK SUBDIVISION, BLOCKS 1 TO 4
1. Report from City Manager JUNE7-05-281 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- I. ASSURANCE AGREEMENT: (S04-076) SYCAMORE PARK VILLAGE 1 SUBDIVISION (RCP), LOTS 1 TO 94 AND COMMON AREA "A"
1. Report from City Manager JUNE7-05-282 WARD 4
 2. Resolution No. 20091 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-076 of a final plat for the Sycamore Park Village 1 Subdivision, Lots 1 to 94 and Common Area "A"; and declaring an emergency.
- J. FINAL PLAT: (S04-076) SYCAMORE PARK VILLAGE 1 SUBDIVISION (RCP), LOTS 1 TO 94 AND COMMON AREA "A"
1. Report from City Manager JUNE7-05-283 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- K. ASSURANCE AGREEMENT: (S04-077) SYCAMORE PARK VILLAGE 2 SUBDIVISION (RCP), LOTS 1 TO 146 AND COMMON AREA "A"
1. Report from City Manager JUNE7-05-284 WARD 4

2. Resolution No. 20092 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-077 of a final plat for the Sycamore Park Village 2 Subdivision, Lots 1 to 146 and Common Area “A”; and declaring an emergency.
- L. FINAL PLAT: (S04-077) SYCAMORE PARK VILLAGE 2 SUBDIVISION (RCP), LOTS 1 TO 146 AND COMMON AREA “A”
1. Report from City Manager JUNE7-05-285 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- M. ASSURANCE AGREEMENT: (S04-078) SYCAMORE PARK VILLAGE 3 SUBDIVISION (RCP), LOTS 1 TO 97 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE7-05-286 WARD 4
 2. Resolution No. 20093 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-078 of a final plat for the Sycamore Park Village 3 Subdivision, Lots 1 to 97 and Common Areas “A” and “B”; and declaring an emergency.
- N. FINAL PLAT: (S04-078) SYCAMORE PARK VILLAGE 3 SUBDIVISION (RCP), LOTS 1 TO 97 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE7-05-287 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- O. ASSURANCE AGREEMENT: (S04-079) SYCAMORE PARK VILLAGE 4 SUBDIVISION (RCP), LOTS 1 TO 71 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE7-05-288 WARD 4

2. Resolution No. 20087 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-079 of a final plat for the Sycamore Park Village 4 Subdivision, Lots 1 to 71 and Common Areas “A” and “B”; and declaring an emergency.
- P. FINAL PLAT: (S04-079) SYCAMORE PARK VILLAGE 4 SUBDIVISION (RCP), LOTS 1 TO 71 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE7-05-289 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- Q. ASSURANCE AGREEMENT: (S04-080) SYCAMORE PARK VILLAGE 5 SUBDIVISION (RCP), LOTS 1 TO 219 AND COMMON AREAS “A” AND “C”
1. Report from City Manager JUNE7-05-290 WARD 4
 2. Resolution No. 20088 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-080 of a final plat for the Sycamore Park Village 5 Subdivision, Lots 1 to 219 and Common Areas “A” and “C”; and declaring an emergency.
- R. FINAL PLAT: (S04-080) SYCAMORE PARK VILLAGE 5 SUBDIVISION (RCP), LOTS 1 TO 219 AND COMMON AREAS “A” AND “C”
1. Report from City Manager JUNE7-05-291 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- S. ASSURANCE AGREEMENT: (S04-081) SYCAMORE PARK VILLAGE 6 SUBDIVISION (RCP), LOTS 1 TO 81 AND COMMON AREAS “A” AND “D”
1. Report from City Manager JUNE7-05-299 WARD 4

2. Resolution No. 20089 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-081 of a final plat for the Sycamore Park Village 6 Subdivision, Lots 1 to 81 and Common Areas “A” and “D”; and declaring an emergency.
- T. FINAL PLAT: (S04-081) SYCAMORE PARK VILLAGE 6 SUBDIVISION (RCP), LOTS 1 TO 81 AND COMMON AREAS “A” AND “D”
1. Report from City Manager JUNE7-05-296 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- U. ASSURANCE AGREEMENT: (S04-082) SYCAMORE PARK VILLAGE 7 SUBDIVISION (RCP), LOTS 1 TO 25 AND COMMON AREA “A”
1. Report from City Manager JUNE7-05-298 WARD 4
 2. Resolution No. 20090 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-082 of a final plat for the Sycamore Park Village 7 Subdivision, Lots 1 to 25 and Common Area “A”; and declaring an emergency.
- V. FINAL PLAT: (S04-082) SYCAMORE PARK VILLAGE 7 SUBDIVISION (RCP), LOTS 1 TO 25 AND COMMON AREA “A”
1. Report from City Manager JUNE7-05-297 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- W. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SUNNYSIDE NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JUNE7-05-301 WARDS 1 AND 5

2. Resolution No. 20096 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Sunnyside Neighborhood Reinvestment Project; and declaring an emergency.
- X. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MENLO PARK NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JUNE7-05-302 WARD 1
 2. Resolution No. 20097 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Menlo Park Neighborhood Reinvestment Project; and declaring an emergency.
- Y. MUTUAL AID AGREEMENT: WITH DAVIS-MONTHAN AIR FORCE BASE FOR FIRE PROTECTION
1. Report from City Manager JUNE7-05-307 CITY-WIDE
 2. Resolution No. 20098 relating to Fire; approving and authorizing execution of the Mutual Aid Agreement between the City of Tucson Fire Department and Davis-Monthan Air Force Base Fire Department for mutual aid; and declaring an emergency.
- Z. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY LOCATED AT 1035 EAST BROADWAY BOULEVARD FOR WIDENING OF EAST BROADWAY BOULEVARD
1. Report from City Manager JUNE7-05-276 WARD 6
 2. Resolution No. 20099 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located at 1035 East Broadway Boulevard for the future widening of East Broadway Boulevard from Euclid Avenue to Campbell Avenue; and declaring an emergency.
- AA. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM REGARDING DISABILITY RETIREMENT
1. Report from City Manager JUNE7-05-308 CITY-WIDE

2. Ordinance No. 10157 relating to Pensions, Retirement and Group Insurance; amending the Tucson Code, Chapter 22 Pensions, Retirement and Group Insurance, Article III Tucson Supplemental Retirement System, Division 1, Types of Retirement and Benefits, Section 22-38 Disability Retirement subsection (a) Qualification; and declaring an emergency.
- BB. ECONOMIC DEVELOPMENT: AUTHORIZING A FUNDING AGREEMENT WITH THE CRITICAL PATH TO ACCELERATE THERAPIES INSTITUTE (C-PATH)
1. Report from City Manager JUNE7-05-310 CITY-WIDE
 2. Resolution No. 20100 relating to economic development; authorizing an Economic Development Funding Agreement between the City of Tucson and the Critical Path to Accelerate Therapies Institute (C-Path); and declaring an emergency.
- Item BB was considered separately at the request of Council Member Ibarra.
- CC. TUCSON CODE: (CHAPTER 22) AWARDING A PENSION BENEFIT INCREASE TO MEMBERS OF THE TUCSON SUPPLEMENTAL RETIREMENT SYSTEM WHO RETIRED FROM THE CITY PRIOR TO JULY 1, 1995
1. Report from City Manager JUNE7-05-311 CITY-WIDE
 2. Ordinance No. 10158 relating to pensions, retirement and group insurance; implementing Article 3, Tucson Supplemental Retirement System Section 22-41 (a) Increase in Retirement Allowance of Retired Members by providing a benefit increase; and declaring an emergency.
- DD. FINAL PLAT: (S04-116) GLENN MEDICAL CENTER CONDOMINIUM, UNITS 1 TO 32, AND COMMON AREAS "A" AND "B"
1. Report from City Manager JUNE7-05-313 WARD 2
 2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- EE. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY LOCATED AT BILBY ROAD AND CARDINAL AVENUE TO LEVEL ONE INVESTMENTS, LLC
1. Report from City Manager JUNE7-05-312 OUTSIDE CITY

2. Ordinance No. 10159 relating to real estate; vacating and declaring certain City-owned real property located at the southwest corner of Bilby Road and Cardinal Avenue to be surplus; authorizing and approving the sale thereof to Level One Investments, LLC; and declaring an emergency.

FF. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH CAFE POCA COSA FOR PROPERTY LOCATED AT 120 EAST PENNINGTON STREET

1. Report from City Manager JUNE7-05-314 WARD 6
2. Ordinance No. 10160 relating to real estate; authorizing and approving the lease of certain City-owned real property located at 120 East Pennington Street to Cafe Poca Cosa; and declaring an emergency.

Item FF was continued to the Mayor and Council meeting of June 14, 2005.

GG. MEMORIAL: URGING THE UNITED STATES CONGRESS TO APPROVE FUNDING FOR LIBRARIES

1. Report from City Manager JUNE7-05-316 CITY-WIDE
2. A Memorial relating to Libraries; urging the United States Congress to approve funding for the Library Services and Technology Act and to increase funding for the Improving Literacy Through School Libraries program in the Fiscal Year 2006 Labor, Health and Human Services and Education Appropriations bill.

HH. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH ECONOMOU RESTAURANTS, LLC FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT COMPLEX

1. Report from City Manager JUNE7-05-317 WARD 6
2. Ordinance No. 10161 relating to real property; authorizing and approving the lease of certain City-owned real property within the Historic Train Depot Complex located at 400 North Toole Avenue to Economou Restaurants, L.L.C.; and declaring an emergency.

It was moved by Vice Mayor Dunbar, duly seconded, that Consent Agenda Items A through HH, with the exception of Items C and BB which would be considered separately, and FF which would be continued to June 14, 2005, be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through HH, with the exception of Items C, BB, and FF, were declared passed and adopted by a roll call vote of 7 to 0.

C. FINANCIAL PARTICIPATION AGREEMENT: WITH THE VISTA DEL RIO RESIDENTS' ASSOCIATION FOR EDUCATIONAL PROGRAMS

1. Report from City Manager JUNE7-05-278 WARD 2
2. Resolution No. 20085 relating to Financial Participation Agreements; authorizing and approving the Fiscal Year 2005 Financial Participation Agreement between the City of Tucson and the Vista Del Rio Residents' Association to assist with expansion and educational programs at Vista Del Rio Cultural Resource Park; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced Consent Agenda Item C was removed at the request of Council Member West.

Council Member West asked Patricia Wiedhoph, President of the Vista del Rio Residents' Association, to come forward. The neighborhood received a sixty-five thousand dollar funding grant from the Tohono O'Odham Tribal Nation for educational purposes.

Mrs. Wiedhoph thanked the Tohono O'Odham Tribal Nation for providing the grant funds for assisting with expansion and educational programs at the Vista del Rio Cultural and Resource Park. She also thanked the City of Tucson, which administered the contract, and Council Member West and Mayor Walkup's Office who presented the granting opportunity to the Residents' Association. She said Council Member West's efforts made the Park a reality. Mrs. Wiedhoph also thanked Mayor Walkup and Council Member Ronstadt, who provided financial assistance.

In response to Council Member West, Mrs. Wiedhoph explained the Vista del Rio Residents' Association nominated the Cultural Park for the Governor's Heritage Award, and was one of ten recipients which would be honored at the 2005 Governor's Heritage and Preservation luncheon.

It was moved by Council Member West, duly seconded, that Consent Item C be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Item C was declared passed and adopted by a roll call vote of 7 to 0.

BB. ECONOMIC DEVELOPMENT: AUTHORIZING A FUNDING AGREEMENT WITH THE CRITICAL PATH TO ACCELERATE THERAPIES INSTITUTE (C-PATH)

3. Report from City Manager JUNE7-05-310 CITY-WIDE

4. Resolution No. 20100 relating to economic development; authorizing an Economic Development Funding Agreement between the City of Tucson and the Critical Path to Accelerate Therapies Institute (C-Path); and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced Consent Agenda Item BB was removed at the request of Council Member Ibarra.

Council Member Ibarra announced he would vote against Consent Agenda Item BB, and suggested someone else make a motion.

It was moved by Council Member West, duly seconded, that Consent Item BB be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: Council Member Ibarra

Consent Agenda Item BB was declared passed and adopted by a roll call vote of 6 to 1.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Michael Toney commented on various topics, including financial issues with the UA Science Center and the Rainbow Bridge.

8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE

Mayor Walkup announced City Manager's communication number 292, dated June 7, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request by Tucson Greyhound Park for a proposed off-track betting site. He asked if the applicant wished to make a brief statement before beginning the public hearing.

John Munger, of Munger Chadwick, P.L.C., was representing applicants Tucson Greyhound Park and Arizona Ale House. He said the Tucson Greyhound Park operated eight off-track betting sites at that time for dog and horse racing. There would be one less at the end of June; Arizona Ale House would constitute the substitution, and would be the eighth facility. The facilities had existed for many years and were generally located in bars and restaurants, as entertainment for the patrons. Generally, they were constituted at the request of the establishment, as in this case. To Mr. Munger's knowledge, there had never been problems of any nature related to the off-track betting facilities; everyone seemed happy with them. The Police and the Development Services Departments had vetted this particular application and he was not aware of any problems that had come up. He offered to answer any questions.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Michael Toney said he thought the greyhound situation would be hard on the dogs.

Mayor Walkup asked if there was anyone else who wished to address the Council on this item. No one came forward.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Ronstadt, duly seconded, to pass and adopt Resolution 20083.

Mayor Walkup asked if there was any discussion. There was none.

The City Clerk read Resolution 20083 by number and title only, before reading the roll call.

Resolution No. 20083 relating to off-track betting facilities; approving Arizona Ale House, 95 W. River Road, Tucson, Arizona, as an off-track betting site for horse and dog racing for the Tucson Greyhound Park; and declaring an emergency.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal, and Ronstadt;
Mayor Walkup

Nay: Council Member West and Vice Mayor Dunbar

Resolution 20083 was declared passed and adopted by a roll call vote of 5 to 2.

For the purpose of the emergency clause and that purpose only, Mayor Walkup called for a second roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Resolution 20083 was declared passed and adopted by a roll call vote of 7 to 0, with the emergency clause.

9. PUBLIC HEARING: ADOPTION OF THE HOUGHTON AREA MASTER PLAN (HAMP)

Mayor Walkup announced City Manager's communication number 318, dated June 7, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the adoption of the Houghton Area Master Plan (HAMP). He said staff would like to make a brief presentation before beginning the public hearing.

Albert Elias, Department of Urban Planning and Design Director, began his presentation by referring to a discussion of the Mayor and Council a few years prior. Council Member Scott led the effort to direct City resources to begin this planning effort. He thought that strong support for the planning effort was reinforced by the City Manager and all members of the community. He was pleased that the Houghton Area Master Plan presented the opportunity to create a comfortable environment in which people could work, raise families, enjoy being with friends, enjoy being close to nature, and pursue a healthy lifestyle, which was what quality of life was all about.

Mr. Elias presented a visual overview of the Houghton Area Master Plan (HAMP), which included: components of a Planned Community, current issues and

implementation of HAMP. He finished by acknowledging City staff who worked on the HAMP, and offered to answer any questions.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Randall Pierce, representing Mesquite Ranch Neighborhood Association, said the new neighborhood association had six hundred and nineteen residents, and they had developed good working relationships with Ward 4 and City staff and adjacent neighborhood associations. He read from a letter submitted to the Mayor and Council at the meeting.

John Jones, representing the Civano Nursery, offered congratulations on bringing the HAMP to this point. He said it was rare for a community to have the opportunity to plan on a macroscale to look at integrating land use with open space, while understanding the need to finance the public infrastructure and public services that go along with it. The ability to accomplish that on the ten thousand-acre portion of the City was remarkable, especially with so much agreement in the end. The Civano Nursery purchased fifteen acres in the HAMP for use as a nursery. There was interest in developing because of the HAMP, and the benefits of living in a master planned community, such as Civano. The Civano Nursery recommended the adoption of the HAMP and the associated policies, and looked forward to participating in the development of their property in conjunction with their neighbors' property.

Dana Pavelich, representing Santa Rita Little League, supported the parks in the HAMP, and offered their assistance to get the parks sooner rather than later. The Little League had difficulty securing enough parks to accommodate their teams, so Ms. Pavelich submitted letters to the Mayor and Council in support of the parks, and to offer their assistance.

Marcus Jernigan said he was impressed with the work of the Department of Urban Planning and Design. He thought it was great they provided an opportunity to develop a large parcel of land in an orderly way, and they proposed to set aside existing riparian areas, which would be great for preserving important wildlife habitat and reducing the need for storm sewers under roads, because water would be going into natural washes. He also was happy with plans for interconnectivity between neighborhoods and for pedestrian-friendly facilities.

Andy Gunning, representing the Metropolitan Housing Commission, thanked the Mayor and Council and the Department of Urban Planning and Design for incorporating the housing policies in the HAMP. He said it was important to recognize the need for housing variety and affordability in the master planning process, along with the mix of uses, transportation options, and open space. Newspaper articles covered increases in housing costs, but not increases in wages and quality job growth; there was a real mismatch in terms of affordability. The Metropolitan Housing Commission felt affordability was important to consider as this growth area would become reality in the

future. Mr. Gunning thanked the Department of Urban Planning and Design, and said the Commission looked forward to moving to the next level of planning. The Commission was looking at a housing trust fund opportunity for the City, to address affordability. They hoped to gather more information and bring the idea back for consideration at a later date.

Ron Ruziska, representing the Arizona State Land Department, commented on the unprecedented partnership with the City, as mentioned by Mr. Elias. Mr. Ruziska said the effort was well worth the price for the Land Department, and they hoped it was just the beginning of their relationship with the City. They agreed, in concept, with the HAMP, but there were some issues that they would like to see resolved before the Plan was adopted. They were confident these issues would be addressed in the future through the PCD (Planned Community Development zone); some development agreements that would hopefully take care of some outstanding issues that they felt would be encountered, including the funding of the infrastructure. An infrastructure study was just completed, which they would be presenting to staff. There were a variety of things that they felt could be resolved in the future, an exception being the Desert Village Parkway, which was not shown on the Plan. They sympathized with homeowners, and understood there was a potential disruption from any new roadway, but the Land Department felt omitting it from the plan did not aid the homeowners' cause. It also created a situation for the Land Department and any potential developer, because without designating the Parkway in the adopted Plan or through the Department of Transportation, there was no way for road construction costs to be recovered. They asked the Mayor and Council to reconsider including the Parkway on the Plan, and they would like further discussion addressing the impact fee credits that would have to be overcome.

Gordon Zaft, Chairman of the Citizens' Transportation Advisory Committee, which was responsible for advising the Mayor and Council on matters regarding transportation, stated they were impressed with the development of the HAMP, and approved a recommendation on the subjects addressed in a letter submitted at the meeting. They supported the transportation aspects of HAMP. However, there were two issues they felt needed more research. Mr. Zaft reviewed these issues, which were included in the letter. He thanked the Mayor and Council for their leadership and for all they had done.

Michael Toney stated he liked the idea of a desert village, which was soothing. He said Anthem, a master planned community north of Phoenix, devastated pristine desert for that development. He mentioned growth rates provided by County Administrator, Chuck Huckleberry, Menlo Park Mercado's use of rammed earth, a preference for large riparian areas along roadways instead of sidewalks or bike paths, maintenance of open space, lower density development in the three hundred year floodplain, and narrower roads in favor of vegetation.

Mayor Walkup asked if there was anyone else who wished to address the Council on this item. No one came forward.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20101 by number and title only.

Resolution No. 20101 relating to planning and zoning; adopting the Houghton Area Master Plan for approximately 10,800 acres located approximately south of Irvington Road, east of Harrison Road between Irvington Road and Valencia Road, east of existing Rita Ranch development between Valencia Road and Houghton Road; east of Houghton Road, north of the railroad, all to the eastern City limits; and declaring an emergency.

Vice Mayor Dunbar said when the Council was presented the material for Study Session, they said the Desert Village Parkway needed to be shown somehow. People needed to know there would be something, but that it would not indicate the exact location. As people had expressed during the public hearing, it was disingenuous not to show the Parkway. She asked Mr. Elias to explain why there was not a graphic indication of the Parkway.

Mr. Elias replied they had tried to address the future alignment of Desert Village Parkway in the text of the Plan, it is not on the Conceptual Land Use and Circulation Map. In the text of the Plan, they tried to acknowledge that the alignment issues in that area would need to be worked on in the future, and the concerns of private property owners would need to be respected. At that time, it was not shown on the Conceptual Land Use and Circulation Plan.

Council Member Scott asked if one of the options to be discussed and presented in other forums would include placing the Parkway on State land, instead of imposing on people's houses.

Mr. Elias said there was not yet an established alignment. They had talked about a conceptual alignment. There would be an alignment study in the future, and every effort would be made to avoid private property. It was possible that the road could end up entirely on State land. However, the alignment would be determined at a later date.

Vice Mayor Dunbar asked for some kind of representation of the Parkway on the map. She thought to not show the alignment at all gave people cause for concern.

Mike Hein, City Manager, said there was an agreement on showing the possible alignment, if not agreement on how it would be shown. The State Land Department was concerned with developers being able to offset costs with impact fees. This was addressed by including certain verbiage in the HAMP. He referred to the presentation given by Mr. Elias, and the slide which addressed the next steps. He said one of the next steps to be taken was the Streets and Routes planning. It was clear there would need to be an alignment, but the location of a line placed on the map turned out to be the focus,

instead of the Plan in its entirety. Mr. Hein said a line could be added to the map, but he was comfortable proceeding without it, knowing this was not the end of the discussion, but the beginning of it.

Mayor Walkup said there must be some way of graphically representing the possible vicinity of the future alignment that does not pinpoint an exact location. He understood the concerns with drawing a line, but there needed to be some way of showing the Parkway.

Council Member West said she had the same concern as Vice Mayor Dunbar; she thought it was agreed there would be something showing the alignment. She thought they ought to meet halfway with Mr. Ruziska and the Arizona State Land Department, by somehow showing the Pathway. She also had that opinion expressed by other City staff she discussed this with. Council Member West understood the property owners did not want the road running through their property. She said it made sense to have Harrison, Houghton and the Desert Villages Parkway run parallel because there was already too much traffic on Houghton. To not show the Parkway was not being genuine on what would happen. She thought what the Planning Commission recommended was very good, but thought they had already resolved that during Study Session.

Council Member Ibarra said he saw both sides of the picture. He said there was already a fundamental understanding that the Parkway would be built, but the location was not determined. The Parkway was not on the map, because to move it later would put the City in a situation. He asked if Council Member Scott saw the situation this way.

Council Member Scott replied that this was an unresolved issue, and they were not putting anything into concrete. The HAMP was not a final document; it was a work in progress. As far as the road is concerned, it would be nice to put markings on paper. But when that happened, the markings ran straight through the middle of someone's house and that was the beginning of the discussion. She was confident there was a way to move forward with this and resolve this matter in the public forum with the interested parties. This particular Plan allowed for that.

In response to Mayor Walkup, Mr. Hein stated that the Parkway would be addressed when the Major Streets and Routes Plan was adopted.

Council Member Ronstadt said he was sympathetic with both sides. He was satisfied with the way the text of the HAMP was written, which indicated something would go in there, but it was not known where or when. He asked if that language could also be placed on the map, so it was in two places. He said their dialog was essentially the legislative intent or history of the document. He thought everyone recognized there would be a Parkway somewhere, but to put the language on the map would cover all bases.

Council Member Scott encouraged waiting to discuss topics until the appropriate time. She read a prepared statement:

“Today, the City of Tucson will establish history by voting on a major land use plan called the Houghton Area Master Plan. This document will be the cornerstone and foundation for the future east valley growth through the next fifty years. To put this Plan into some type of perspective for the public, I’d like to revisit a little bit of Old Pueblo History. The original City of Tucson was incorporated on August 7, 1877, and encompassed a grand total of one thousand, two hundred and seventy acres, or 1.98 square miles. Through the next fifty-four City annexations, from 1877 to December 1955, the total of the annexations was only thirteen thousand and thirty-six acres. The Houghton Area Master Plan is an expansive ten thousand – plus acre plan, which is projected to incorporate new residents, including commercial and industrial modules to compliment area shopping, parks, trails, and countless other elements which make up the fiber of any fast-growing Southwest city. There are flaws and concerns with the final product in front of us today, but this must be considered a starting point and a foundation of a work in progress. Many jurisdictions, including the State, the County, and the City of Tucson will continue to define and refine this work product over the next several years. Before I introduce a historical motion on the HAMP, I feel compelled to extend a very warm thank you to many individuals that dedicated countless hours in assisting the creation of the HAMP plan, beginning with some very special Charter members of the Southeast Planning and Coordinating Committee, including Mike Rassinger, Phil Swaim, Brent Davis, and Margie Hildebrand; and the rock-solid leadership of various Ward 4 neighborhood leaders like Al Weyrooth, Randall Pierce, Michael Tone, Jennifer Avilez, Simmons Buntin, Betty Shin, and Reverend Mark DeFurr; our industry members like Iram Levy, Priscilla Storm, Frank Santana, Gordon Stone, Art Flag, Sue Clark, Roy Schoonover, and Ken Abrams; and a very special spot for all the members of our city Planning Commission, because they identified some major issues like Fantasy Island designation, trailheads, density issues affecting Mesquite Ranch, and provided safety and solace which owned homes adjacent to the Pantano Wash, like Mr. Jesus Burreal, and Ken Bendian, and Sue Baquett. The Planning Commission said, don’t show the proposed Desert Village Parkway running through their homes, and that was what was voted on. I thank you to all the Commission members, but a special thanks to our Ward 4 appointee, Mr. Frank Thompson, and Chairperson Bob Patrick, both well-known southwest professional planners. To the City Staff, from City Manager Mike Hein, to every member of the advanced planning staff, I say Good job, excellent starting point, and this is not the end, but merely the beginning of clarifying the new horizon called the Houghton Area Master Plan.”

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20101.

Council Member Ibarra said he thought the Mayor and Council could agree they would like to see the Desert Village Parkway go through State land, and not through private land. They felt they needed to make a commitment to the Arizona State Land Department about this road, but staff does not want to put it on a map because it could change. He recommended staff work with the Land Department to put it on State land as the first choice, with no second choice. He directed to not put the Parkway on the map with the understanding that it would be on a map at some point. He asked if that was all right with the rest of the Council.

Council Member Ronstadt thought Council Member Ibarra was on target, and he came up with a good solution. Council Member Ronstadt believed the text said those things, but he would still like to see it on the map. He thought they needed to be as overt as possible.

Council Member Ibarra offered to put an asterisk at the bottom of the map saying they had not determined the location, but at some point in time this road would connect, with the understanding that the Council would like it to go on State land.

Council Member Scott accepted that as part of the motion.

In response to Council Member West, Council Member Scott stated the Planning Commission's recommendations on HAMP were in a memo dated April 15, 2005.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Resolution 20101 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-04-06) EL RANCHO MERLITA – WRIGHTSTOWN ROAD, SR TO RX-2, ORDINANCE ADOPTION

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to continue this item to June 14, 2005, because the developer was out of town, and she felt there was a need to brief the Council on some of the issues surrounding the rezoning case

Kathleen S. Detrick, City Clerk, announced that the meeting of June 14, 2005 would be held at City Hall, 255 West Alameda, on the first floor in the Mayor and Council chambers at or after 5:30 p.m.

11. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2006 BUDGET

Mayor Walkup announced City Manager's communication number 315, dated June 7, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20094 by number and title only.

Resolution No. 20094 relating to finance; adopting a tentative budget for the 2006 Fiscal Year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said Fiscal Year.

Kathleen S. Detrick, City Clerk, announced an adjustment to the resolution: the primary property tax rate shall be reduced from 34.94 cents to 34.69 cents, resulting in a reduction in the primary property tax from nine million, two hundred forty-one thousand, seventy dollars to nine million, one hundred seventy-four thousand, nine hundred fifty dollars, consistent with this change, the Fiscal Year 2006 Budget should decrease from one billion, eight million, four hundred sixty thousand, six hundred dollars to one billion, eight million, three hundred ninety-four thousand, four hundred eighty dollars through a sixty-six thousand, one hundred twenty dollar reduction to the non-departmental budget. These changes would be reflected in Schedules A, B, and E, under Sections 1 and 2 of Resolution 20094.

It was moved by Council Member Ronstadt, duly seconded, to pass and adopt Resolution 20094, as amended.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members West, Scott, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: Council Members Ibarra and Leal

Resolution 20094 was declared passed and adopted by a roll call vote of 5 to 2.

12. WATER: NOTICE OF INTENTION TO ESTABLISH THE DIAMOND BELL ISOLATED WATER SYSTEM FEE, AND SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 7, 2005

Mayor Walkup announced City Manager's communication number 306, dated June 7, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20095 by number and title only.

Resolution No. 20095 relating to water; authorizing the adoption of a notice of intention to establish the Diamond Bell Isolated Water System Fee; and declaring an emergency.

Council Member Leal said he knew Council and staff and the development community involved with this particular project had been talking for some time. There was a modification approximately two weeks ago when the question of interest was raised during Study Session. He believed a fair amount of work was done by staff and the developer to calculate how much of the interest was legitimately tethered to this project and to the units in question. He knew there was still some gap between the developer's conclusion and staff's conclusion so far, and he thought there was a sentiment on the Council that there was no reason tonight to force settling on a number, but to give some time, perhaps until September when the bonds may be sold, to continue to look at the question of what is the dollar value of the interest and how it breaks down per unit. At that time, the Council could make a definitive decision on how much of that allocation should rest with the developer in this case.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 20095, with the understanding that it would return to Mayor and Council with decided numbers later in the year.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Resolution 20095 was declared passed and adopted by a roll call vote of 7 to 0.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 295, dated June 7, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

Council Member Scott moved, duly seconded, and carried by a voice vote of 7 to 0, to ratify the names of Kristi Trevino and Marie Rubio to the Pima County/Tucson Women's Commission, and to reappoint Keith Gentzler to the Citizens' Water Advisory Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of P. Wayne Cullop to the Tucson-Pima County Bicycle Advisory Committee.

Council Member West announced her personal appointment of Katie Maass to the Tucson Parks and Recreation Commission.

14. ADJOURNMENT: 7:10 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, June 14, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of June 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sl/jk